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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FELIPE SEGURA,

Plaintiff,

v.

JUST MANUFACTURING COMPANY

Defendant.

09CV3886

JUDGE MANNING

MAG.JUDGE MASON

NOT

FILED

JUN 26 2009

JUN 26 2009
MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT

VERIFIED COMPLAINT

NOW COMES the Plaintiff, Felipe Segura, by and through her attorney, Baltazar Mendoza, and for his cause of action against Defendant the Just Manufacturing Company states:

PRELIMINARY STATEMENT

1. This action seeks declaratory, injunctive and equitable relief, compensatory and punitive damages, and costs and attorney's fees for discrimination based on National Origin and Disability, suffered by Plaintiff in the terms and conditions of his employment up to and including his discharge by Defendant.

JURISDICTON

2. This action arises under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

3. Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(4) and 42 U.S.C. § 2000e-5(f), and a right-to-sue letter was issued by the Equal Employment Opportunity Commission (EEOC) on March 27, 2009, a true and accurate copy of which is attached as Exhibit A, based upon a charge affidavit timely filed with both the EEOC and the

Illinois Department of Human Rights, a true and accurate copy of which is attached hereto as Exhibit A.

4. Declaratory, injunctive, and equitable relief is sought pursuant to 28 U.S.C. §§ 2201, 2202 and 42 U.S.C. § 2000e-5(g). Compensatory and punitive damages are sought pursuant to 42 U.S.C. § 1981a.

5. Cost and attorney's fees may be awarded pursuant to 42 U.S.C. § 2000e-5(k) and Fed R Civ P 54.

VENUE

6. This action properly lies in the Northern District of Illinois, Eastern Division, pursuant to 29 U.S.C. § 1391(b), because the claim arose in this judicial district, and pursuant to 42 U.S.C. 2000e-5(f)(3), because the unlawful employment practice was committed in this judicial district.

PARTIES

7. Plaintiff is a Legal Permanent Resident of the State of Illinois.

8. Plaintiff is of Mexican Origen.

9. Defendant is a corporation that engages in the manufacturing of stainless steel sinks and other home products and is located at 9233 King Street in Franklin Park, IL 60131.

10. Larry (last name unknown) is a resident of Illinois, his exact address is unknown to Plaintiff.

11. Upon information and belief, Defendant employs more than one hundred employees.

FACT

12. Plaintiff was employed by Defendant, Just Manufacturing Company from July of 1986 to November 21, 2007, as a stainless steel sink restorer.

13. Plaintiff's job performance as a stainless steel sink restorer met or exceeded the Defendant's standards.

14. At all times relevant Marty Gardner (Polish) was my shift supervisor.

15. On January 4, 2006 I was injured on the job. Since my injury I have been disabled with restrictions.

16. My supervisor knew of my disability and my limitations.

17. At all times relevant, even with my limitations I was able to work while on restrictions.

18. On October 9, 2007 I was Operated on my shoulder for my work related injury.

19. Rather than accommodate me, on November 21, 2007, I received a letter a termination from Richard C. Berkhout, the operations manager for the Defendant allegedly for being out for more than 120 days.

20. I believe I was terminated because of my disability and without cause.

21. Other individuals who are out for extend period times in excess of 120 days such as John Marrone (Italian) for similar reasons are not related are not terminated.

22. Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs alleged and is now suffering and will continue to suffer irreparable injury from his treatment by the Defendant unless this Court enjoins the Defendant.

23. Despite past and ongoing diligent efforts to secure comparable employment, Plaintiff has not been able to secure employment since October 2005.

24. Plaintiff has suffered, and is now suffering, and will continue to suffer emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses as a direct result of Defendant's discrimination.

25. Plaintiff will suffer future pecuniary losses as a direct result of Defendant's discrimination.

26. Defendant has engaged in discrimination against Plaintiff with malice or reckless indifference to Plaintiff's rights under Title VII also known as the Civil Rights Act of 1964.

CAUSE OF ACTION

27. Plaintiff incorporates as if realleged paragraphs 1 through 26.

28. Because Plaintiff's national origin and disability was the difference in the decision to discharge Plaintiff, Defendant violated Title VII also known as the Civil Rights Act of 1964.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

1. Declare the conduct engaged in by Defendant to be in violation of Plaintiff's rights;
2. Enjoin Defendant from engaging in such conducts;
3. Award Plaintiff's lost wages, benefits, and other such relief;
4. Award Plaintiff compensatory and punitive damages of \$300,000.00
5. Award Plaintiff cost and attorney's fees; and

6. Grant such other relief as it may deem just and proper.

Respectfully submitted,

By Felipe Segura

Felipe Segura

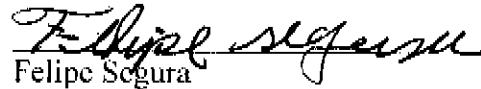
By Baltazar Mendoza
One of the Attorneys for Plaintiff

Baltazar Mendoza, Esq.
Law Office of Baltazar Mendoza, P.C.
3701 S. Halsted
Chicago, IL 60609
773-927-8301
773-927-8303
Attorney No: 6275512

VERIFICATION


STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

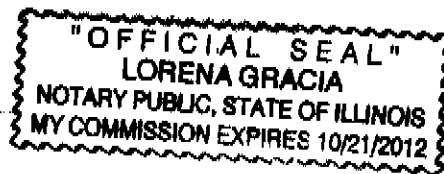
Felipe Segura being first duly sworn, deposes and says that he is the Respondent; that he has read the foregoing verified response to the charge of discrimination; that he knows the contents thereof; and that said response is true and correct to the best of his knowledge, information and belief.


Felipe Segura

SUBSCRIBED and SWORN to before me

This 14, day of May 2009


Notary Public



EEOC Form 131 (2/00)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Felipe Segura**
2937 N Scott
Franklin Park, IL 60131

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661

CERTIFIED MAIL 7000 0600 0022 1008 9670



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

21B-2008-02049

Armernola P. Smith,
State & Local Coordinator

(312) 886-5973

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; In other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☐ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☒ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*John P. Rowe*03-27-2009 *mjh*

Enclosures(s)

John P. Rowe,
District Director

(Date Mailed)

cc:

JUST MANUFACTURING COMPANY
9233 King Street
Franklin Park, IL 60131

EXHIBIT

A

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.		AGENCY <input checked="" type="checkbox"/> IDHR <input type="checkbox"/> EEOC	CHARGE NUMBER 2008CF3294
Illinois Department of Human Rights and EEOC			
NAME (indicate Mr. Ms. Mrs.) Mr. Felipe Segura		HOME TELEPHONE (include area code) 847-459-4082	
STREET ADDRESS 2937 N. Scott		CITY, STATE AND ZIP CODE Franklin Park, IL 60131	
DATE OF BIRTH 08/23/1952			
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)			
NAME Just Manufacturing Company		NUMBER OF EMPLOYEES, MEMBERS 15+ 15+	
STREET ADDRESS 9233 King Street		TELEPHONE (include area code) 847-678-5150	
CITY, STATE AND ZIP CODE Franklin Park, IL 60131		COUNTY	
NAME		TELEPHONE (include area code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	
COUNTY			
CAUSE OF DISCRIMINATION BASED ON: National Origin		DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL) / / / / <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (if additional space is needed attach extra sheets)			
SEE Attachment			
I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SUBSCRIBED AND SWORN TO BEFORE ME ON THIS Notary Signature: [Signature] 4-18-08 NOTARY SIGNATURE MONTH DATE YEAR	
<div style="border: 1px solid black; padding: 5px; text-align: center;"> "OFFICIAL SEAL" BALTAZAR MENDOZA NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 8/4/2010 </div>		X <u>Felipe Segura</u> SIGNATURE OF COMPLAINANT DATE	
I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.			

STATE OF ILLINOIS
ILLINOIS DEPARTMENT OF HUMAN RIGHTS

CHARGES OF DISCRIMINATION

CHARGE NO. _____

I, Felipe Segura, believe that I have been personally aggrieved by a civil rights violation by: _____

Just Manufacturing Company
9233 King Street
Franklin Park, IL 60131

I. A. ISSUE/BASIS:
DISCRIMINATION BASED ON DISABILITY.

B. PRIMA FACIE ALLEGATIONS

1. My age is 55
2. I was employed by Respondent since July of 1986.
3. My position was a stainless steel sink restorer.
4. On January 4, 2006 I was injury on the job.
5. Since my injury I have been in disable with restrictions.
6. On November 21, 2007, I received a letter a termination from Richard C. Berkhout, the operations manager for the Respondent. I believe I was terminated because of my disability and without cause.
7. Other individuals who are out for extend period times for reasons not related to job injury or disability are not terminated.
8. I have always performed my duties satisfactorily.
9. My supervisor knew of my disability and my limitations and chose simply to terminate me.

DEPT OF HUMAN RIGHTS
INTAKE UNIT

APR 18 2008

REC'D

BY _____

10. Because others that are not disable are not treated or terminated I believe I been discriminated base on my disability.

I, Felipe Segura, on oath or affirmation state I am the Complainant herein, that I have read the foregoing charges and know the contents thereof, and that the same are true and correct to the best of my knowledge and belief.

II. A. ISSUE/BASIS:
DISCRIMINATION BASED ON NATIONAL ORIGIN.
B. PRIMA FACIE ALLEGATIONS

1. Complaint re-pleads as if re-plead herein counts 1-10
2. My National is Mexican
3. Other individuals who are Polish and Italian who are injured on the job, and are out for extended period of time are accommodated and their restrictions are respected and are not terminated like Mexican and other Latin Americans.
4. Because of this I believe I been discriminated due to my national origin.

I, Felipe Segura, on oath or affirmation state I am the Complainant herein, that I have read the foregoing charges and know the contents thereof, and that the same are true and correct to the best of my knowledge and belief.

Felipe Segura
Felipe Segura
2937 N. Scott
Franklin Park, IL 60131